

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

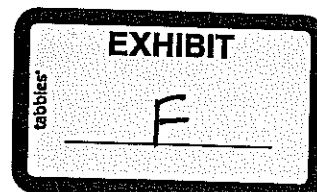
STATE OF OKLAHOMA, *et al.*, )  
 )  
 *Plaintiffs,* )  
 )  
 v. )  
 )  
 TYSON FOODS, INC., *et al.*, )  
 )  
 *Defendants.* )

Case No. 4:05-cv-00329-GKF-PJC

DECLARATION OF WILLIAM H. DESVOUSGES, Ph.D.

I, William H. Desvousges, hereby state as follows:

1. I am the President of W.H. Desvousges & Associates, Inc., a consulting firm focused on the preparation and evaluation of natural resource damages assessments ("NRDAs").
2. I have been retained by Defendants in the above captioned matter to provide my expert opinions regarding the NRDAs commissioned by Plaintiffs.
3. Dr. Gordon C. Rausser and I authored and submitted to our clients an expert report detailing our work and conclusions in this matter. Plaintiffs filed a motion in limine on June 19, 2009, to strike portions of our report.
4. I have executed this declaration to correct Plaintiffs' mischaracterization of my earlier work on the Lower Fox River and Green Bay Site. In Section G of their motion, Plaintiffs state that my work on the Lower Fox River and Bay of Green Bay: Assessment of Potential Recreational Fishing Losses and Restoration Offsets "applied the very method that he criticizes" in Plaintiffs' past damages report. This is simply untrue.
5. In the Fox River study, I transferred use values over time, not nonuse values. See, Plaintiffs' Ex. Z at 1 (noting that my study "evaluates the losses of human use services

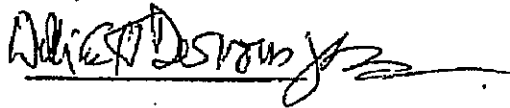


(services provided directly to people through their use of the resources) potentially resulting from such natural resource injuries"). This distinction is a critical one. As I stated in the Fox River report, "[n]on-use values are measured with a controversial technique known as contingent valuation, which relies solely on survey respondents' answers to hypothetical questions about the value of resources.... Because these values cannot be reliably quantified, the State Assessment Plan does not include non-use values." *Id.* at 3. For the same reason, these nonuse values cannot produce a reliable measure of past damages and are unsuitable for use in the type of calculation performed by Plaintiffs.

6. My analysis in the Fox River matter was based on extensive recreational use data gathered on angling use of the Fox River and Green Bay areas. Plaintiffs, on the other hand, used hypothetical responses to hypothetical questions to generate an unreliable willingness to pay estimate and projected it backwards over a 27-year period under the assumption that the hypothetical willingness to pay from their CV study is the same every year during this 27-year period. Given these differences, it is inappropriate and misleading to cite the Fox River study as evidence that Plaintiffs' past damages methodology is valid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 7, 2009.



William H. Desvousges, Ph.D.